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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12
13 SYNOPSISYS, INC.,

14 Plaintiff,

15 v.
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17 UBIQUITI NETWORKS, INC., UBIQUITI
18 NETWORKS INTERNATIONAL
LIMITED, CHING-HAN TSAI, and DOES
19 1-20, inclusive,

20 Defendant.
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22 AND RELATED COUNTERCLAIMS
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Case No. 3:17-cv-00561-WHO

[PROPOSED] ORDER AND
STIPULATION RE: SUPPLEMENTAL
INSPECTION PROTOCOL AND
PROTECTIVE ORDER

RECITALS

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2 1. Plaintiff Synopsys, Inc. ("Synopsys") desires to forensically inspect
3 certain additional devices belonging to Defendant Ching-Han Tsai ("Additional Tsai
4 Devices") for the purpose of obtaining forensic evidence, if any, that supports
5 Synopsys's claims in this case (the "Purpose").

6 2. Mr. Tsai is agreeable to making the Additional Tsai Devices available
7 for imaging for the Purpose within certain defined limits and according to certain
8 specified procedures.

9 3. Synopsys has contracted with FTI Consulting ("FTI"), to examine the
10 Additional Tsai Devices for the Purpose.

11 4. Mr. Tsai would like to maintain the confidentiality of his proprietary
12 data, his privacy, and information protected under the attorney-client privilege and
13 attorney work product doctrines, and to limit the use of the fruits of the forensic
14 inspection to the Purpose.

15 ACCORDINGLY, UNDERSIGNED COUNSEL STIPULATE that the following
16 shall govern the possession, inspection, and return of the Additional Tsai Devices,
17 and the creation and use of images created from them.

18 A. Images of the Additional Tsai Devices, and any review of them, are
19 subject to the Stipulated Protective Order for Litigation Involving Patents, Highly
20 Sensitive Confidential Information and/or Trade Secrets (Dkt. #94) (the "Protective
21 Order"), the Order Granting Protocol Concerning Forensic Inspection of Defendants'
22 Devices (Dkt. #144) (the "Inspection Protocol"), and the following supplemental
23 provisions to those orders.

24 B. The Protective Order is supplemented to provide for an additional
25 confidentiality designation entitled "HIGHLY CONFIDENTIAL – DEVICE IMAGE."
26 This designation shall be available for images made of the Additional Tsai Devices.
27 Material designated as "HIGHLY CONFIDENTIAL – DEVICE IMAGE" shall be
28 considered "Protected Materials" under the Protective Order and will be subject to

1 all of the protections afforded to “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
2 ONLY” information under the Protective Order, but shall also be subject to the
3 additional requirements that HIGHLY CONFIDENTIAL – DEVICE IMAGE materials
4 may only be loaded on secured computers at a Professional Vendor, as defined in the
5 Protective Order, and are subject to the terms of the Inspection Protocol as
6 supplemented below.

7 C. The Inspection Protocol is supplemented to provide that FTI will use its
8 own lab equipment for analysis of HIGHLY CONFIDENTIAL – DEVICE IMAGE
9 materials, and that FTI will delete any copies of such materials and data associated
10 with them in accordance with the Protective Order entered by the Court in this
11 matter.

12 D. The Inspection Protocol is further supplemented to provide that during
13 FTI’s inspection of HIGHLY CONFIDENTIAL – DEVICE IMAGE materials, FTI may
14 not (i) download any information to an electronic storage device, except as otherwise
15 described in the Inspection Protocol; (ii) use a thumb drive, except to store and run
16 the forensic tools that FTI plans to download prior to the inspection; (iii) take
17 photographs of, or otherwise capture verbatim, the content of these materials;
18 (iv) read or otherwise communicate the content of these materials verbatim to non-
19 FTI personnel; or (v) otherwise communicate or transmit the contents of inspected
20 materials, including orally, to counsel except at a high level of generality and as is
21 reasonably necessary to permit counsel to direct FTI regarding inspection processes.

22 E. Two of the Additional Tsai Devices, an iPhone and an iPad Mini, may
23 contain Ubiquiti, Inc. source code or layout design. Once FTI has completed making
24 images of these devices, FTI will provide the images to counsel for Mr. Tsai to
25 determine whether they do or do not contain such materials. FTI is not permitted to
26 inspect the images until counsel for Mr. Tsai has made this determination. Counsel
27 for Mr. Tsai shall inform FTI on or before May 21, 2018. If a device does contain
28 source code or layout design, the image of that device will be designated “HIGHLY

1 CONFIDENTIAL – SOURCE CODE” or “HIGHLY CONFIDENTIAL – LAYOUT
2 DESIGN,” as appropriate, and FTI’s inspection of the device will be pursuant to the
3 Inspection Protocol and not the supplemental provisions above. If a device does not
4 contain either source code or layout design, the image of that device will be
5 designated “HIGHLY CONFIDENTIAL – DEVICE IMAGE,” and FTI’s inspection
6 will be pursuant to the Inspection Protocol, as supplemented above.
7

8 Agreed to by:

9 DATED: May 16, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

11 By: /s/Denise M. Mingrone

Denise M. Mingrone

Attorneys for Plaintiff

SYNOPSYS, INC.

14 DATED: May 16, 2018

THE BUSINESS LITIGATION GROUP, P.C.

16 By: /s/ Will B. Fitton

Will B. Fitton

Attorneys for Defendant

CHING-HAN TSAI

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20 ATTESTATION OF CONCURRENCE IN FILING

21 In accordance with Civil Local Rule 5-1(i)(3), I attest the concurrence in the
22 filing of this document has been obtained from Denise M. Mingrone.
23

24 DATED: May 16, 2018

THE BUSINESS LITIGATION GROUP, P.C.

25 By: /s/ Will B. Fitton

Will B. Fitton

Attorneys for Defendant

CHING-HAN TSAI

1 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

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3 DATED: _____
4 HON. LAUREL BEELER
5 UNITED STATES MAGISTRATE JUDGE
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